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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR 12-0204 MMC
)	
Plaintiff,	)	STIPULATION AND PROPOSED
	)	ORDER CONTINUING NOVEMBER 28
v.	)	21 , 2012 HEARING DATE TO
	)	DECEMBER 12, 2012 AND SETTING
SAUL SANCHEZ REYES,	)	BRIEFING AND HEARING DATES
	)	AND EXCLUDING ADDITIONAL
Defendant.	)	TIME FROM NOVEMBER 21, 2012
	)	TO DECEMBER 12, 2012
	)	28, 2012 TO DECEMBER 12, 2012

STIPULATION

This Court previously set a briefing schedule based on the agreement of the parties. The parties previously stipulated and the court ordered that the briefing schedule be continued so that the government could provide the defense with the audio tape recording of Mr. Sanchez Reyes' immigration hearing that resulted in defendant's removal from the United States, which is directly relevant to defendant's challenge to the removal. The government requested the recording on September 25, 2012 but still has not received it and thus has not been able to provide it to the defense. The parties thus stipulate to a further continuance so that the defense can receive this

1 discovery prior to filing the motion (assuming the motion is not made moot by the audio recording).

2 The proposed briefing and hearing schedule will be as follows: defendant will file his opening
3 motion on November 7, 2012; the government will file an opposition on November 28, 2012; the
4 defense will file a reply on December 5, 2012; the motion will be heard on December 12, 2012 or
5 any date thereafter convenient to the Court.

6 The parties also agree that the time between November 21, 2012 and December 12, 2012 (or
7 some date thereafter convenient to the Court) should be excluded under the Speedy Trial Act; the
8 continuance is necessary for effective preparation of counsel, 18 U.S.C. § 3161(h)(1)(D) and
9 (h)(7)(A) and (h)(7)(B)(iv) and for defendant's pending motion as of November 7, 2012, and the
10 ends of justice served by granting such a continuance outweigh the best interests of the public and
11 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

12 SO STIPULATED.

13
14 Dated: October 16, 2012

MELINDA HAAG
United States Attorney

16
17 /s/ Mark Kang
J. MARK KANG
Special Assistant United States Attorney

18
19 Dated: October 16, 2012

/s/ Candis Mitchell
CANDIS MITCHELL
Attorney for Defendant

ORDER

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For the reasons stated above, the Court continues the hearing date from November ~~21~~, 2012 to December 12, 2012 and sets the motion briefing and hearing date as follows: Defendant will file his opening motion on November 7, 2012; the government will file an opposition on November 28, 2012; the defense will file a reply on December 5, 2012; the motion will be heard on December 12, 2012.

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IT IS FURTHER ORDERED that the time between November ~~21~~, 2012 and December 12, 2012 should be excluded under the Speedy Trial Act; the continuance is necessary for effective preparation of counsel, 18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A) and (h)(7)(B)(iv) and for defendant's pending motion as of November 7, 2012, and the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED.

DATED: October 16, 2012


THE HONORABLE MAXINE M. CHESNEY
United States District Judge